

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

In re:

NANCY ANN WORSLEY,

Debtor.

Case: 13-71206-SCS

Chapter 13

NANCY ANN WORSLEY,

Plaintiff,

v.

APN: 13-07042-SCS

JPMORGAN CHASE BANK, NA,
SAMUEL WHITE, PC, TRUSTEE,

Defendants.

JPMORGAN CHASE BANK, NA
SAMUEL WHITE, PC, TRUSTEE,

Counterclaim Plaintiffs,

v.

NANCY ANN WORSLEY,
MICHAEL P. COTTER, CHAPTER 13 TRUSTEE,
ROGER D. WORSLEY
GUY AMUIAL

Counterclaim and Third-Party Defendants.

DEFENDANTS' BRIEF IN OPPOSITION TO ABSTENTION

JPMorgan Chase Bank, N.A. ("Chase") and Samuel White, PC, Trustee ("Deed of Trust Trustee") (collectively referred to as the "Lender" or the "Defendants"), by counsel, file this brief

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in response to the request made by the Bankruptcy Court at the June 13, 2013 Pretrial Conference regarding the question as to whether the Bankruptcy Court should abstain from ruling on the issues raised in this Adversary Proceeding.

The plaintiff and debtor Nancy Ann Worsley (“Debtor”) as well as the third-party defendant Roger D. Worsley (“Worsley”) have filed memoranda and briefs against abstention and in support of the Bankruptcy Court’s retention of the issues in this Adversary Proceeding. While not re-briefing the points and arguments, the Lender agrees with the Debtor and Worsley with respect to the following points raised in their briefs:

- Reformation has been adjudicated by Federal Courts for a Number of Years. See Debtor’s Brief, p. 2; Worsley’s Brief, p. 2.
- The Plaintiff and [the Lender] Consent to the Resolution of these Claims in this Court. See Debtor’s Brief, p. 3; Worsley’s Brief, p. 3.
- Abstention will cause unnecessary delay and expense to the estate. See Debtor’s Brief, p. 3; Worsley’s Brief, p. 3.

In agreeing with the above positions staked out by the Debtor and Worsley, the Lender does not agree or adopt any arguments made by the Debtor and Worsley which would prejudice the Lender’s defense of any claim in this Adversary Proceeding or its ability to prosecute the claims contained in its Counterclaim and Third-Party Claim.

WHEREFORE, for the reasons set forth above, JPMorgan Chase Bank, N.A. and Samuel White, PC, Trustee, respectfully request that the Court not abstain from adjudicating this Adversary Proceeding and grant such other relief as deemed appropriate and consistent with the arguments contained herein.

July 10, 2013

**JPMORGAN CHASE BANK, NA
SAMUEL WHITE, PC, TRUSTEE**

By: /s/ Jeffrey L. Marks

Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2013, a copy of the foregoing *Defendants' Brief in Opposition to Abstention* was mailed by prepaid U.S. Mail and/or by electronic mail to the following:

Timothy V. Anderson, Esquire
Anderson & Associates, P.C.
2492 North Landing Road, Suite 104
Virginia Beach, VA 23456

Michael P. Cotter, Esquire
Chapter 13 Trustee
870 Greenbrier Circle, Suite 402
Chesapeake, VA 23320

and by electronic means to all creditors and parties-in-interest who are included in the Bankruptcy Court's ECF e-mail notification system.

/s/ Jeffrey L. Marks